
Introduced by Senator Kehoe

February 18, 2005

An act to amend Section 51182 of the Government Code, and to amend Section 14875 of the Health and Safety Code, relating to vegetation management.

LEGISLATIVE COUNSEL'S DIGEST

SB 502, as introduced, Kehoe. Weed and vegetation management.

Existing law, relating to fire protection, requires firebreaks with respect to the maintenance of flammable vegetation or other combustible growth around occupied buildings located within very high fire hazard severity zones, as designated. Existing law exempts certain vegetation from those requirements.

This bill would revise that exemption, as specified.

Existing law defines the term "weeds" for the purposes of the abatement of hazardous weeds and rubbish as a public nuisance.

This bill would revise that definition, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 51182 of the Government Code is
- 2 amended to read:
- 3 51182. (a) Any person who owns, leases, controls, operates,
- 4 or maintains any occupied dwelling or occupied structure in,
- 5 upon, or adjoining any mountainous area, forest-covered land,
- 6 brush-covered land, grass-covered land, or any land that is
- 7 covered with flammable material, which area or land is within a
- 8 very high fire hazard severity zone designated by the local

1 agency pursuant to Section 51179, shall at all times do all of the
2 following:

3 (1) Maintain around and adjacent to the occupied dwelling or
4 occupied structure a firebreak made by removing and clearing
5 away, for a distance of not less than 30 feet on each side thereof
6 or to the property line, whichever is nearer, all flammable
7 vegetation or other combustible growth. This paragraph does not
8 apply to single specimens of trees, ~~ornamental shrubbery, or~~
9 ~~similar plants that are used as ground cover, if they do~~ *or other*
10 *vegetation that is well-pruned and maintained so as to effectively*
11 *manage fuels and* not form a means of rapidly transmitting fire
12 ~~from the native growth~~ *other nearby vegetation* to any dwelling
13 or structure.

14 (2) Maintain around and adjacent to the occupied dwelling or
15 occupied structure additional fire protection or firebreaks made
16 by removing all brush, flammable vegetation, or combustible
17 growth that is located within 100 feet from the occupied dwelling
18 or occupied structure or to the property line, or at a greater
19 distance if required by state law, or local ordinance, rule, or
20 regulation. This section does not prevent an insurance company
21 that insures an occupied dwelling or occupied structure from
22 requiring the owner of the dwelling or structure to maintain a
23 firebreak of more than 100 feet around the dwelling or structure
24 if a hazardous condition warrants such a firebreak of a greater
25 distance. Grass and other vegetation located more than 30 feet
26 from the dwelling or structure and less than 18 inches in height
27 above the ground may be maintained where necessary to stabilize
28 the soil and prevent erosion.

29 (3) Remove that portion of any tree that extends within 10 feet
30 of the outlet of any chimney or stovepipe.

31 (4) Maintain any tree adjacent to or overhanging any building
32 free of dead or dying wood.

33 (5) Maintain the roof of any structure free of leaves, needles,
34 or other dead vegetative growth.

35 (6) Provide and maintain at all times a screen over the outlet of
36 every chimney or stovepipe that is attached to any fireplace,
37 stove, or other device that burns any solid or liquid fuel. The
38 screen shall be constructed and installed in accordance with the
39 California Building Standards Code.

(7) Prior to constructing a new dwelling or structure that will be occupied or rebuilding an occupied dwelling or occupied structure damaged by a fire in such zone, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official, a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.

(b) A person is not required under this section to maintain any clearing on any land if that person does not have the legal right to maintain the clearing, nor is any person required to enter upon or to damage property that is owned by any other person without the consent of the owner of the property.

SEC. 2. Section 14875 of the Health and Safety Code is amended to read:

14875. “Weeds,” as used in this part, means ~~all weeds~~ *ill-maintained or neglected vegetation* growing upon streets, sidewalks, or private property in any county, including any fire protection district and ~~includes~~ *may include* any of the following:

(a) ~~Weeds which bear~~ *Vegetation that bears* seeds of a downy or wingy nature.

(b) ~~Sagebrush, chaparral, and any other brush or weeds which~~ *Vegetation that is not pruned or is otherwise neglected so as to* attain such large growth as to become, when dry, a fire menace to adjacent improved property.

(c) ~~Weeds which are~~ *Vegetation that is* otherwise noxious or dangerous.

(d) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.

- 1 (e) Dry grass, stubble, brush, litter, or other flammable
- 2 material which endangers the public safety by creating a fire
- 3 hazard in an urbanized portion of an unincorporated area which
- 4 has been zoned for single and multiple residence purposes.